

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

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**STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT**

STATE OF NEW MEXICO, <i>ex rel.</i> State Engineer,)	
)	CV-75-184
)	
Plaintiff,)	JAMES J. WECHSLER
)	Presiding Judge
vs.)	
)	SAN JUAN RIVER
UNITED STATES OF AMERICA, <i>et al.</i> ,)	ADJUDICATION
)	
Defendants.)	CLAIMS OF THE NAVAJO NATION
)	Case No. AB-07-1
JICARILLA APACHE TRIBE,)	
)	
Defendant-Intervenor.)	

NAME OF PARTY: BHP Billiton New Mexico Coal Incorporated (BHP Navajo Coal Company)

DESCRIPTIVE SUMMARY: BHP Billiton New Mexico Coal Inc.'s Motion for Substitution of Party

NUMBER OF PAGES: 3

DATE OF FILING: February 10, 2014

MOTION FOR SUBSTITUTION OF PARTY

BHP Billiton New Mexico Coal Incorporated ("BBNMC") respectfully moves this Court for an order substituting BBNMC for BHP Navajo Coal Company ("BNCC"), pursuant to NMRA Rule 1-025(C). Rule 1-025(C) provides that "[i]n case of any transfer of interest, the action may be continued by or against the original party, unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party." N.M. R. Civ. P. 25(C). BBNMC requests an order of the court substituting it for BNCC as BNCC no longer exists as a corporate entity. BBNMC is the successor in interest to

all of BNCC's water rights in the San Juan Basin and subject to this adjudication, including all rights to New Mexico Office of the State Engineer Permit Nos. 2838 and SJ-2197. Since this Motion solely requests the effectuation of a substitution of a successor in interest, pursuant to Rule 1-025, concurrence of counsel was not sought.

Respectfully Submitted,
MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: 

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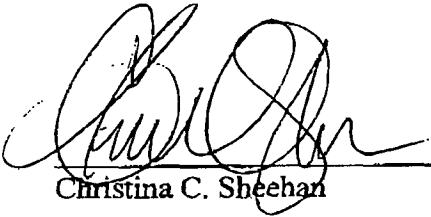
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of BHP Billiton New Mexico Coal Inc.'s (BHP Navajo Coal Company's) Motion for Substitution of Parties was served on all parties via e-mail transmission by e-mailing to wmnavajointerse@nmcourts.gov on this 10th day of February, 2014.



Christina C. Sheehan

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